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REMARKS

Present Claims 2-4, 6, and 8-12 relate to methods for treating a dry eye, comprising ocular administration of an effective amount of a macrolide compound to a subject in need of the treatment of dry eye.

The inventor has surprisingly found that ocular administration of a macrolide compound is effective for the treatment of dry eye. The cited reference contains no disclosure or suggestion of the presently claimed methods. Accordingly, these reference cannot affect the patentability of the present claims.

The rejection of Claims 2-12 [*sic*, Claims 2-4, 6, and 8-12] under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,770,607 (Honbo et al) is respectfully traversed. Honbo et al discloses aqueous eye drop suspensions of a tricyclo compound, including FK506, and their use for the treatment of **vernal** conjunctivitis as an autoimmune disease in the ophthalmic field. On page 3 of the Office Action, the position is taken that **vernal** conjunctivitis is another name for keratoconjunctivitis, and a printout of a page from www.my.webmd.com is cited as support for that assertion.

However, the referenced page from www.my.webmd.com does not support the equivalence of **vernal** conjunctivitis and keratoconjunctivitis. Instead, this web page only teaches that “**seasonal** conjunctivitis” and “keratoconjunctivitis, **vernal** (*i.e.*, **vernal** keratoconjunctivitis)” are synonymous. As is well known, the adjective “vernal” means “of, relating to, or occurring in the spring.” See, the entry for “vernal” from Webster’s Ninth New Collegiate Dictionary, Merriam-Webster, Springfield, MA, p. 1310 (1988) filed herewith.

In the case of “**vernal** conjunctivitis” and “**vernal** keratoconjunctivitis,” the term “**vernal**” means that the condition is “a seasonal allergic disorder usually appearing during the spring or warm weather.” *See*, page from www.my.webmd.com supplied by the Examiner. Thus, to be precise, “**vernal** conjunctivitis” is a seasonal allergic diseases involving autoimmunity.

In sharp contrast, the term “dry eye” as used in the present invention is defined to mean “a condition wherein lacrimal fluid is less in amount or abnormal in quality, with or without the presence of corneal and conjunctival lesion (Yamada, M. et al., *Folia Ophthalmol. Jpn.*, 43, 1289-1293 (1992)).” *See*, page 1, lines 8-11, of the specification. Thus, the vernal conjunctivitis of Honbo et al is a very different disease from the dry eye, which is the target disease of the presently claimed methods.

Accordingly, Honbo et al does not disclose any method for treating dry eye or therapeutic effect on dry eye. Accordingly, this reference cannot anticipate the present claims.

Moreover, there is no teaching in Honbo et al which would suggest that administration of a macrolide compound would be useful for the treatment of dry eye. Accordingly, this reference cannot make the present claims obvious.

For these reasons, the rejection should be withdrawn.

Lastly, Applicant wishes to thank Examiner Azpuru for returning an initialed copy of the Form PTO 1449 filed with the Information Disclosure Statement filed on August 7, 2003. However, Applicant notes that References AA, AB, AC, AD, and AY were not initialed.

U.S. Application No.: 09/926,411
Reply to Office Action dated January 15, 2004

Since Reference AB was discussed in the Office Action, Applicant presumes that the failure to initial References AA, AB, AC, AD, and AY was simply a clerical error. Accordingly, Applicant is submitting another copy of the Form PTO 1449 filed with the Information Disclosure Statement filed on August 7, 2003, so the Examiner can place his initials next to References AA, AB, AC, AD, and AY and return a copy of the initialed form with the next communication from the PTO.

Applicant submits that the application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to be 'S. G. Baxter', written in a cursive style.

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: the male intromittent organ of any of various invertebrates 2 a : something that borders, limits, or bounds: as (1): an outer margin of an object or structural part (2): the edge of roof covering (as tiling) projecting over the gable of a roof (3) *Brit*: the shoulder of a road b : BRINK, THRESHOLD (a country on the ~ of destruction — Archibald MacLeish)

verge *vi*; **verged**; **verging** (1787) 1: to be contiguous 2: to be on the verge or border

verge *vi*; **verged**; **verging** [L *vergere* to bend, incline — more at **WRENCH**] (1610) 1 a of the sun: to incline toward the horizon: SINK b: to move or extend in some direction or toward some condition 2: to be in transition or change

verger \ˈvər-jər/ n (15c) 1 chiefly *Brit*: an attendant that carries a verge (as before a bishop or justice) 2: a church official who keeps order during services or serves as an usher or a sacristan

veridical \ˈvər-ɪd-ɪ-kəl/ adj [L *veridicus*, fr. *verus* true + *dicere* to say — more at **VERY**, **DICTION**] (1653) 1: TRUTHFUL, VERACIOUS 2: not illusory: GENUINE — **veridicality** \ˈvər-ɪd-ɪ-kəl-ə-ti/ n — **veridicality** \ˈvər-ɪd-ɪ-kəl-ə-ti/ n

verifiable \ˈvər-ə-fi-ə-bəl/ adj (1593): capable of being verified — **verifiability** \ˈvər-ə-fi-ə-bəl-ə-ti/ n — **verifiability** \ˈvər-ə-fi-ə-bəl-ə-ti/ n — **verifiability** \ˈvər-ə-fi-ə-bəl-ə-ti/ n — **verifiability** \ˈvər-ə-fi-ə-bəl-ə-ti/ n — **verifiability** \ˈvər-ə-fi-ə-bəl-ə-ti/ n

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foreign language b : of, relating to, or being a nonstandard or substandard language or dialect of a place, region, or country c : of relating to, or being the normal spoken form of a language 2 : applied to a plant or animal in the common native speech as distinguished from the Latin nomenclature of scientific classification 3 : of, relating to, or characteristic of a period, place, or group; esp : of, relating to, or being the common building style of a period or place — **vernacularly** *adv*

vernacular n (1706) 1 : a vernacular language, expression, or mode of expression 2 : the mode of expression of a group or class 3 : a vernacular name of a plant or animal

vernacularism \və(r)-ˈnak-yə-lə-riz-əm/ n (ca. 1846) : a vernacular word or idiom

vernal \ˈvɜrn-əl/ adj [L *vernalis*, alter. of *vernus*, fr. *ver* spring; akin to Gk *ear* spring] (1534) 1 : of, relating to, or occurring in the spring (< equinox> (< sunrise> 2 : fresh or new like the spring; also : YOUTHFUL — **vernally** \ˈvɜrn-əl-ē/ *adv*

vernalization \ˈvɜrn-əl-ə-ˈzā-shən/ n (ca. 1932) : the act or process of hastening the flowering and fruiting of plants by treating seeds, bulbs, or seedlings so as to induce a shortening of the vegetative period — **vernalize** \ˈvɜrn-əl-ə-ˈzā-z/ *vt*

vernation \ˈvɜrn-ˈnā-shən/ n [NL *vernation*-, *vernatio*, fr. L *vernatus*, pp. of *vernare* to behave as in spring, fr. *vernus* vernal] (1793) : the arrangement of foliage leaves within the bud

Verner's law \ˈve(ə)r-nərz-/ n [Karl A. Verner] (ca. 1892) : a statement in historical linguistics: in medial or final position in voiced environments and when the immediately preceding vowel did not bear the principal accent in Proto-Indo-European, the Proto-Germanic voiceless fricatives *f*, *h*, and *x* derived from the Proto-Indo-European voiceless stops *p*, *t*, and *k* and the Proto-Germanic voiceless fricative *s* derived from Proto-Indo-European *s* became the voiced fricatives *b*, *ð*, *g*, and *z* represented in various recorded Germanic languages by *b*, *d*, *g*, and *r*

vernicle or **ver-nacle** \ˈvɜr-ni-kəl/ n [ME *vernicle*, fr. MF *veronique*, *vernicle*, fr. ML *veronica*] (14c) : **VERONICA**

vernier \ˈvɜr-ni-ər/ n [Pierre Vernier] (ca. 1766) 1 : a short scale made to slide along the divisions of a graduated instrument for indicating parts of divisions 2 a : a small auxiliary device used with a main device to obtain fine adjustment b : any of two or more small supplementary rocket engines or gas nozzles on a missile or a rocket vehicle for making fine adjustments in the speed or course or controlling the attitude — called also **vernier engine**

vernier adj (1788) : having or comprising a vernier

vernier caliper n (ca. 1876) : a measuring device that consists of a main scale with a fixed jaw and a sliding jaw with an attached vernier

vernisage \ˈvɜr-ni-ˈsāzh/ n [F, day before an exhibition opens reserved for artists to varnish and put finishing touches to their paintings, lit., varnishing, fr. *vernis* varnish — more at **VARNISH**] (1926) : a private showing or preview of an art exhibition

veronica \ˈvɜr-ˈrān-ikə/ n [NL, genus of herbs] (1527) : SPEEDWELL

veronica n [ML, fr. *Veronica* St. Veronica] (1700) : an image of Christ's face said to have been impressed on the cloth that St. Veronica gave him to wipe his face with on the way to his crucifixion; also : a cloth resembling the legendary one of St. Veronica

veronica n [Sp *verónica*, fr. St. Veronica] (1926) : a pose in bullfighting in which the cape is swung slowly away from the charging bull while the matador keeps his feet in the same position

Véronique also **Veronique** \ˈvɜr-ˈrō-ni-ˈkə/ adj [F *Véronique* Veronica] (1927) : prepared or garnished with usu. white seedless grapes (< sole >)

verruca \ˈvɜr-ˈrū-kə/ n, pl -cae \-(ˌ)kē-, -ki-, -sɪ/ [L — more at **WART**] (1565) 1 : a wart or warty skin lesion 2 : a warty elevation on a plant or animal surface

verruca vulgaris \ˈvɜl-ˈgar-əs-, -ˈger-/ n [NL, lit., common verruca] (ca. 1903) : WART 1a

verruca \ˈvɜr-ˈrū-kə/ n, pl -cae \-(ˌ)kē-, -ki-, -sɪ/ [L — more at **WART**] (1565) 1 : a wart or warty skin lesion 2 : a warty elevation on a plant or animal surface

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